

JOURNAL OF THE HOUSE

Fifty-first Legislative Assembly

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Bismarck, January 30, 1989

The House convened at 1:00 p.m., with Speaker Kretschmar presiding.

The prayer was offered by Father Maurice Mueller, Transfiguration Catholic Church, Edgeley.

The roll was called and all Representatives were present, except Representatives Gerhardt and Martin.

A quorum was declared by the Speaker.

CORRECTION and REVISION of the JOURNAL (Rep. V. Olson, Chairman)
MR. SPEAKER: Your Committee on Correction and Revision of the Journal has carefully examined the Journal of the Eighteenth Day and finds it to be correct.

We have carefully reexamined the Journal of the Ninth Day and recommend that it be corrected as follows and when so corrected, recommend that it be approved:

Page 197, line 23, delete "O'Shea"

REP. SCHMIDT MOVED that the report be adopted, which motion prevailed.

MOTION

REP. PETERSON MOVED that HB 1020, which is on the Eleventh order, be laid over three legislative days, which motion prevailed.

DOCTOR OF THE DAY SCHEDULE

Table with 3 columns: Date, Name and Title, Location. Rows include January 30: Donn G. Kruse, MD - FP Resident, Grand Forks; January 31: Donn G. Kruse, MD - FP Resident, Grand Forks; February 1: Donn G. Kruse, MD - FP Resident, Grand Forks; February 2: Marc M. Fiechtner, MD - ENT, Bismarck; February 3: David S. Akkerman, MD - FP Resident, Fargo.

CHAPLAINCY SCHEDULE

JANUARY 30 - February 3

DATE

CHURCH

- 30 Father Maurice Mueller ..... Transfiguration Catholic Church, Edgeley
31 Rev. James Stenslie ..... Heart River Lutheran Church, Mandan
1 Rev. Al Shauer ..... First Lutheran Church, Tioga
2 Rev. John Miller ..... Baptist Temple, Mandan
3 Sister Agnes Reinert ... Chaplain, St. Alexius Medical Center, Bismarck

MOTION

REP. MARTINSON MOVED that HB 1090 and HB 1097 be returned to the House floor from the Committee on State and Federal Government, which motion prevailed.

## REQUEST

REP. MARTINSON REQUESTED that the letter from the North Dakota Public Employees Retirement System relevant to HB 1090 and HB 1097 be printed in the Journal, which request was granted.

North Dakota Public Employees Retirement System  
1930 Burnt Boat Drive  
Box 1214  
Bismarck, North Dakota 58502

January 26, 1989

The Honorable Robert Martinson  
North Dakota House of Representatives  
State Capitol  
Bismarck, North Dakota 58505

Dear Representative Martinson:

With the passage of HB 1227 sponsored by Representatives Robert Martinson, Alvin Hausauer, Lyle Hanson, and Senators John Olson and Joseph Satrom the North Dakota Public Employees Retirement Board requests that you allow the PERS Board to withdraw HB 1090 and HB 1097, which duplicate the benefit changes found in HB 1227. The PERS Board will work with you for passage of HB 1227 in the North Dakota Senate.

Sincerely,

Tim Lundberg  
Chairman

## REQUEST

REP. MARTINSON REQUESTED the unanimous consent of the House to withdraw HB 1090 and HB 1097. There being no objection, it was so ordered by the Speaker.

## MOTIONS

REP. A. OLSON MOVED that HB 1593 be returned to the House floor from the Committee on Natural Resources, which motion prevailed.

REP. A. OLSON MOVED that HB 1593 be rereferred to the Committee on Political Subdivisions, which motion prevailed. Pursuant to Rep. A. Olson's motion, HB 1593 was rereferred.

REP. NICHOLAS MOVED that HB 1508 be returned to the House floor from the Committee on Agriculture, which motion prevailed.

## REQUEST

REP. FLAAGAN REQUESTED the unanimous consent of the House to withdraw HB 1508. There being no objection, it was so ordered by the Speaker.

## MOTION

REP. R. LARSON MOVED that HB 1649 be returned to the House floor from the Committee on Human Services and Veterans Affairs, which motion prevailed.

## REQUEST

REP. WENTZ REQUESTED the unanimous consent of the House to withdraw HB 1649. There being no objection, it was so ordered by the Speaker.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)  
MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2109, SB 2116, SB 2185, SB 2213, SB 2254, SB 2287, SB 2301, SB 2381, SB 2414, SB 2421.

#### SIXTH ORDER OF BUSINESS

REP. GATES MOVED that the amendments to HB 1240 as recommended by the Committee on Education as printed on pages 389-390 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS, which motion prevailed.

HB 1240 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. WHALEN MOVED that the amendments to HB 1288 as recommended by the Committee on Industry, Business and Labor as printed on page 390 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1288 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. GATES MOVED that the amendments to HB 1347 as recommended by the Committee on Education as printed on page 391 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1347 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. GATES MOVED that the amendments to HB 1371 as recommended by the Committee on Education as printed on pages 391-392 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1371 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. GATES MOVED that the amendments to HB 1400 as recommended by the Committee on Education as printed on page 392 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1400 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)  
MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1009, HB 1039, HB 1052, HB 1079, HB 1106, HB 1112, HB 1127, HB 1163, HB 1179, HB 1243, HB 1330, HB 1343, HB 1395.

#### SECOND READING OF HOUSE BILLS

HB 1041: A BILL for an Act to amend and reenact sections 15-47-36, 15-65-01, 15-65-02, and 15-65-03, subdivision h of subsection 1 of section 28-32-01, and subdivision 1 of subsection 1 of section 54-07-01.2 of the North Dakota Century Code, relating to the membership and name of the educational broadcasting council and the terms educational television services or facilities and radio facilities.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 104 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Gerhardt; Martin

HB 1041 passed and the title was agreed to.

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HB 1222: A BILL for an Act to create and enact a new chapter to title 15 of the North Dakota Century Code, relating to the establishment of the educational telecommunications council and to the return of state-owned equipment; and to repeal chapter 15-65 of the North Dakota Century Code, relating to the educational broadcasting council.

## ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 0 YEAS, 103 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: None

NAYS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Marks; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

ABSENT AND NOT VOTING: Gerhardt; Lindgren; Martin

HB 1222 lost.

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HB 1062: A BILL for an Act relating to records and information related to the legislative branch; and declaring an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 93 YEAS, 11 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Christman; Clayburgh; Dalrymple; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martinson; Melby; Mertens; Nelson; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Rydell; Schatz; Scherber; Schindler; Schmidt; Shaft; Shide; Shockman; Skjervem; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Timm; Tokach; Tollefson; Trautman; Urlacher; Vander Vorst; Wald; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Carlson; DeMers, J.; Murphy; Myrdal; Ness; Ring; Schneider; Thompson, V.; Tomac; Ulmer; Watne

ABSENT AND NOT VOTING: Gerhardt; Martin

HB 1062 passed, the title was agreed to, and the emergency clause carried.

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HB 1076: A BILL for an Act to amend and reenact subsections 1 and 2 of section 43-17-41 of the North Dakota Century Code, relating to duty of physicians and others to report injuries.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 57 YEAS, 47 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, R.; Berg, G.; Berg, R.; Bernstein; Christman; Clayburgh; Dalrymple; DeMers, J.; Dorso; Gates; Gerntholz; Goetz; Gorman; Gunsch; Hanson, O.; Haugland; Hausauer, A.; Hausauer, R.; Howard; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Martinson; Melby; Myrdal; Nicholas; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Schatz; Schindler; Shaft; Shide; Shockman; Smette; Sorensen; Soukup; Stenehjem; Thompson, K.; Timm; Tokach; Tollefson; Trautman; Urlacher; Wald; Wentz; Whalen

NAYS: Aarsvold; Anderson, B.; Belter; Brokaw; Carlson; DeMers, P.; Enget; Flaagan; Frey; Gerl; Gilmore; Graba; Halmrast; Hanson, L.; Haugen; Hoffner; Hokana; Huether; Jensen; Kaldor; Laughlin; Marks; Mertens; Murphy; Nelson; Ness; Nowatzki; Oban; O'Shea; Ring; Rydell; Scherber;

Schmidt; Schneider; Skjerven; Solberg; Starke; Stofferahn; Thompson, V.; Tomac; Ulmer; Vander Vorst; Watne; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

ABSENT AND NOT VOTING: Gerhardt; Martin

HB 1076 passed and the title was agreed to.

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HB 1264: A BILL for an Act to amend and reenact subsection 1 of section 27-20-26 of the North Dakota Century Code, relating to right to counsel in proceedings under the Uniform Juvenile Court Act; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 62 YEAS, 43 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Christman; Clayburgh; Dalrymple; Dorso; Gates; Gerntholz; Goetz; Gorman; Gunsch; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Howard; Jensen; Kingsbury; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Martin; Melby; Mertens; Murphy; Myrdal; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Rydell; Schatz; Schindler; Shaft; Shide; Skjerven; Smette; Soukup; Stenehjem; Thompson, K.; Timm; Tokach; Tollefson; Trautman; Urlacher; Vander Vorst; Wald; Wentz; Whalen; Speaker Kretschmar

NAYS: Aarsvold; Anderson, B.; Brokaw; Carlson; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gerl; Gilmore; Graba; Halmrast; Hanson, L.; Hoffner; Hokana; Huether; Kaldor; Kelly; Kolbo; Laughlin; Marks; Martinson; Nelson; Ness; Oban; O'Shea; Ring; Scherber; Schmidt; Schneider; Shockman; Solberg; Sorensen; Starke; Stofferahn; Thompson, V.; Tomac; Ulmer; Watne; Wilkie; Williams, A.; Williams, W.

ABSENT AND NOT VOTING: Gerhardt

HB 1264 passed, the title was agreed to, and the emergency clause was declared lost.

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HB 1305: A BILL for an Act to amend and reenact subsection 2 of section 54-44-04.6 of the North Dakota Century Code, relating to the sale of state surplus property.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 104 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner;

Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Gerhardt; Whalen

HB 1305 passed and the title was agreed to.

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HB 1206: A BILL for an Act to create and enact a new section to chapter 4-30 of the North Dakota Century Code, relating to the testing of manufactured and processed milk products.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 1 YEA, 103 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Frey

NAYS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Gates; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

ABSENT AND NOT VOTING: Gerhardt; Shaft

HB 1206 lost.

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HB 1208: A BILL for an Act to create and enact a new section to chapter 36-01 of the North Dakota Century Code, relating to administration of the state livestock sanitary board program by the commissioner of agriculture; to amend and reenact sections 36-01-03, 36-01-04, 36-01-07, 36-01-10, 36-01-11, 36-01-12, 36-01-12.1, 36-01-13, 36-01-14, 36-01-15, 36-01-16, 36-01-17, 36-01-18, 36-01-19, 36-01-22, 36-01-23, 36-01-24, 36-01-26, 36-01-27, 36-01-29, and 36-01-30 of the North

Dakota Century Code, relating to the establishment of the state livestock sanitary board as a policymaking division of the department of agriculture; and to repeal sections 36-01-05 and 36-01-06 of the North Dakota Century Code, relating to the executive officer of the state livestock sanitary board.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 26 YEAS, 78 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Brokaw; Carlson; DeMers, J.; DeMers, P.; Flaagan; Gerl; Graba; Halmrast; Hoffner; Hokana; Kelly; Marks; Mertens; Nelson; Ness; Oban; Ring; Scherber; Shockman; Stofferahn; Ulmer; Watne; Wilkie; Williams, A.; Williams, W.

NAYS: Aarsvold; Aas; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Christman; Clayburgh; Dalrymple; Dorso; Enget; Frey; Gates; Gerntholz; Gilmore; Goetz; Gorman; Gunsch; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Howard; Huether; Jensen; Kaldor; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Martin; Martinson; Melby; Murphy; Myrdal; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Rydell; Schatz; Schindler; Schmidt; Schneider; Shaft; Shide; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Urlacher; Vander Vorst; Wald; Wentz; Whalen; Speaker Kretschmar

ABSENT AND NOT VOTING: Gerhardt; Peterson

HB 1208 lost.

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HB 1209: A BILL for an Act to amend and reenact section 60-02-03 of the North Dakota Century Code, relating to duties of the public service commission; and to repeal sections 60-02-04 and 60-02-05 of the North Dakota Century Code, relating to grain elevator inspection responsibilities of the public service commission.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 14 YEAS, 89 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: DeMers, J.; DeMers, P.; Graba; Halmrast; Mertens; Oban; Ring; Scherber; Starke; Stofferahn; Ulmer; Watne; Wilkie; Williams, W.

NAYS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; Dorso; Enget; Flaagan; Frey; Gates; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Gunsch; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Rydell; Schatz; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Stenehjem; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac;

Trautman; Urlacher; Vander Vorst; Wald; Wentz; Williams, A.;  
Speaker Kretschmar

ABSENT AND NOT VOTING: Gerhardt; Peterson; Whalen

HB 1209 lost.

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HB 1236: A BILL for an Act to create and enact two new subsections to section 57-02-08 of the North Dakota Century Code, to allow cities and counties to provide exemptions from property taxes for new single family residential property and condominiums and townhouses which meet certain qualifications; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 100 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjervén; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Gunsch; Larson, D.; Murphy

ABSENT AND NOT VOTING: Gerhardt; Peterson; Whalen

HB 1236 passed and the title was agreed to.

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HB 1250: A BILL for an Act to amend and reenact sections 4-22-17, 16.1-01-07, 16.1-04-03, 16.1-06-16, 16.1-07-03, 16.1-07-04, 16.1-07-05, 16.1-11-01, 16.1-11-05, 16.1-11-06, 16.1-11-11, 16.1-11-17, 16.1-11-18, 16.1-11-19, 16.1-11-20, 16.1-11-30, 16.1-12-04, 16.1-12-05, 16.1-12-07, 16.1-12-09, 16.1-13-03, 16.1-15-17, 16.1-15-22, 16.1-15-25, 16.1-15-35, 46-06-03, and 61-24-03 of the North Dakota Century Code, relating to the date of the primary election and election filing deadlines; and to repeal sections 16.1-11-02, 16.1-11-03, 16.1-11-04, 16.1-11-07, 16.1-11-23, and 16.1-11-34 of the North Dakota Century Code, relating to the presidential preference primary.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 66 YEAS, 38 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Bernstein; Brokaw; DeMers, J.; DeMers, P.; Dorso; Flaagan; Gates; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hoffner; Jensen; Kelly; Kingsbury; Kloubec; Knell; Lang; Larson, R.; Laughlin; Lindgren; Martin; Martinson; Mertens; Murphy; Nicholas; Nowatzki; Oban; Olson, A.; Olson, V.; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shockman; Skjerven; Smette; Soukup; Thompson, K.; Timm; Tokach; Tollefson; Tomac; Vander Vorst; Wald; Watne; Whalen; Williams, W.; Speaker Kretschmar

NAYS: Berg, R.; Carlson; Christman; Clayburgh; Dalrymple; Enget; Frey; Hausauer, R.; Hokana; Howard; Huether; Kaldor; Kolbo; Kouba; Larson, D.; Marks; Melby; Myrdal; Nelson; Ness; Olsen, D.; O'Shea; Payne; Ring; Shaft; Shide; Solberg; Sorensen; Starke; Stenehjem; Stofferahn; Thompson, V.; Trautman; Ulmer; Urlacher; Wentz; Wilkie; Williams, A.

ABSENT AND NOT VOTING: Gerhardt; Peterson

HB 1250 passed and the title was agreed to.

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HB 1310: A BILL for an Act to amend and reenact section 54-03-01.5 of the North Dakota Century Code, relating to legislative apportionment requirements.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 34 YEAS, 70 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Brokaw; Carlson; Dalrymple; DeMers, J.; Enget; Flaagan; Frey; Gerl; Gilmore; Graba; Halmrast; Hanson, L.; Hoffner; Hokana; Kaldor; Kolbo; Laughlin; Marks; Oban; Peterson; Ring; Scherber; Shockman; Skjerven; Solberg; Starke; Thompson, K.; Tollefson; Tomac; Watne; Williams, A.; Williams, W.

NAYS: Aas; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Christman; Clayburgh; DeMers, P.; Dorso; Gates; Gerntholz; Goetz; Gorman; Gunsch; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Howard; Huether; Jensen; Kelly; Kingsbury; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Rydell; Schatz; Schindler; Schmidt; Schneider; Shaft; Shide; Smette; Sorensen; Soukup; Stenehjem; Stofferahn; Thompson, V.; Timm; Tokach; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Wentz; Wilkie; Speaker Kretschmar

ABSENT AND NOT VOTING: Gerhardt; Whalen

HB 1310 lost.

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HB 1315: A BILL for an Act to create and enact a new section to chapter 4-12.2 of the North Dakota Century Code, relating to notice of apiaries located near public highways.

## ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 3 YEAS, 101 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Brokaw; Flaagan; Laughlin

NAYS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Frey; Gates; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Toilefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

ABSENT AND NOT VOTING: Gerhardt; Whalen

HB 1315 lost.

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HB 1346: A BILL for an Act to create and enact a new section to chapter 20.1-08 of the North Dakota Century Code, relating to the use of lead shot for hunting or taking waterfowl.

## ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 79 YEAS, 26 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Christman; Clayburgh; Dalrymple; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Gunsch; Halmrast; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hokana; Howard; Jensen; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Martin; Melby; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Olsen, D.; Olson, A.; O'Shea; Payne; Peterson; Rydell; Schatz; Schindler; Schmidt; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Toilefson; Tomac; Trautman; Urlacher; Vander Vorst; Wald; Whalen; Wilkie

NAYS: Aarsvold; Anderson, B.; Brokaw; Carlson; DeMers, J.; Gerl; Gilmore; Graba; Hanson, L.; Hoffner; Huether; Kaldor; Marks; Martinson; Mertens; Oban; Olson, V.; Ring; Scherber; Schneider; Ulmer; Watne; Wentz; Williams, A.; Williams, W.; Speaker Kretschmar

ABSENT AND NOT VOTING: Gerhardt

HB 1346 passed and the title was agreed to.

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HB 1348: A BILL for an Act to create and enact a new section to chapter 54-02 of the North Dakota Century Code, designating Barnes soil as the official state soil.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 47 YEAS, 58 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Bernstein; Brokaw; Carlson; DeMers, P.; Enget; Flaagan; Frey; Gerl; Gerntholz; Gilmore; Graba; Hanson, L.; Haugen; Hoffner; Hokana; Huether; Kaldor; Kelly; Kolbo; Laughlin; Marks; Mertens; Nicholas; Nowatzki; Oban; Olson, V.; Peterson; Ring; Scherber; Schindler; Schneider; Shockman; Solberg; Soukup; Starke; Stofferahn; Thompson, V.; Timm; Ulmer; Vander Vorst; Wentz; Wentz; Williams, A.; Williams, W.

NAYS: Aas; Anderson, R.; Belter; Berg, R.; Christman; Clayburgh; Dalrymple; DeMers, J.; Dorso; Gates; Goetz; Gorman; Gunsch; Halmrast; Hanson, O.; Haugen; Hausauer, A.; Hausauer, R.; Howard; Jensen; Kingsbury; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Martin; Martinson; Melby; Murphy; Myrdal; Nelson; Ness; Olsen, D.; Olson, A.; O'Shea; Payne; Rydell; Schatz; Schmidt; Shaft; Shide; Skjerven; Smette; Sorensen; Stenehjelm; Thompson, K.; Tokach; Tollefson; Tomac; Trautman; Urlacher; Wald; Whalen; Wilkie; Speaker Kretschmar

ABSENT AND NOT VOTING: Gerhardt

HB 1348 lost.

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HB 1351: A BILL for an Act to amend and reenact section 39-16-03 of the North Dakota Century Code, relating to driver's record abstracts.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 63 YEAS, 42 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Bernstein; Brokaw; Carlson; Clayburgh; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerl; Gerntholz; Gilmore; Gorman; Graba; Halmrast; Hanson, L.; Haugland; Hausauer, R.; Hoffner; Kaldor; Kelly; Kingsbury; Kloubec; Kolbo; Lang; Larson, D.; Laughlin; Marks; Mertens; Nelson; Ness; Nowatzki; Oban; Olsen, D.; Olson, V.; O'Shea; Peterson; Ring; Scherber; Schneider; Shaft; Shockman; Skjerven; Solberg; Soukup; Starke; Stenehjelm; Stofferahn; Thompson, K.; Thompson, V.; Tokach; Tomac; Ulmer; Watne; Wentz; Wilkie; Williams, A.; Williams, W.

NAYS: Aas; Anderson, R.; Belter; Berg, R.; Christman; Dalrymple; Goetz; Gunsch; Hanson, O.; Haugen; Hausauer, A.; Hokana; Howard; Huether; Jensen; Knell; Kouba; Larson, R.; Lindgren; Martin; Martinson; Melby; Murphy; Myrdal; Nicholas; Olson, A.; Payne; Rydell; Schatz; Schindler; Schmidt; Shide; Smette; Sorensen; Timm; Tollefson; Trautman; Urlacher; Vander Vorst; Wald; Whalen; Speaker Kretschmar

ABSENT AND NOT VOTING: Gerhardt

HB 1351 passed and the title was agreed to.

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HB 1378: A BILL for an Act to amend and reenact section 11-15-09 of the North Dakota Century Code, relating to a sheriff's commission on sales of property bid in by the plaintiff.

## ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 104 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Kneil; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Gerhardt; Schneider

HB 1378 passed and the title was agreed to.

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## MOTIONS

REP. KLOUBEC MOVED that the absent members be excused, which motion prevailed.

REP. KLOUBEC MOVED that the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the House stand adjourned until 1:00 p.m., Tuesday, January 31, 1989, which motion prevailed.

## REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on State and Federal Government (Rep. Martinson, Chairman) to which was referred HB 1026 has had the same under consideration and recommends by a vote of 9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1026 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government (Rep. Martinson, Chairman) to which was referred HB 1072 has had the same under consideration and recommends by a vote of 9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1072 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Natural Resources (Rep. A. Olson, Chairman) to which was referred HB 1129 has had the same under consideration and recommends by a vote of 10 YEAS, 4 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 20, after "engineer" insert "by rule"

Page 2, replace lines 22 through 29 with:

"61-04-05. Notice of application - Contents - Proof - Failure to file satisfactory proof. When an application is filed which complies with the provisions of this chapter and the rules and regulations established thereunder adopted under this chapter, the state engineer shall instruct the applicant to: ~~↔ give~~

1. Give notice ~~thereof~~ of the application by certified mail in the form prescribed by ~~regulation~~ rule, to all record title owners of real estate within a radius of one mile [1.61 kilometers] from the location of the proposed water appropriation site, except ~~where~~:
  - a. If the one-mile ~~[1.61 kilometers]~~ [1.61-kilometer] radius extends within the geographical boundary of a city, the notice ~~shall~~ must be given to the governing body of ~~such~~ the city and no further notice need be given to the record title owners of real estate within the geographical boundary of the city; ~~and ↔ publish~~
  - b. If the one-mile [1.61-kilometer] radius includes land within the geographical boundary of a rural subdivision where the lots are of ten acres [4.04 hectares] or less, the notice must be given to the governing body of the township or other governing authority for the rural subdivision and no further notice need be given to the record title owners of real estate within the geographical boundary of the rural subdivision;
  - c. If the one-mile [1.61-kilometer] radius includes a single tract of rural land which is owned by more than ten individuals, the notice must be given to the governing body of the township or other governing authority for that tract of land and no further notice need be given to the record title owners of that tract.
2. Provide the state engineer with an affidavit of notice by certified mail within sixty days from the date of the engineer's instructions to provide notice. If the applicant fails to file satisfactory proof of notice by certified mail within sixty days and in compliance with the applicable rules, the state engineer shall treat the application as an original application filed on the date of receipt of the affidavit of notice by certified mail in proper form. Upon receipt of a proper affidavit of notice by certified mail, the state engineer shall publish notice ~~thereof~~ of the application, in a form prescribed by ~~regulation~~ rule, in a

newspaper of general circulation in the area of the proposed appropriation site, once a week for two consecutive weeks. Such The notice shall must give all essential facts as to the proposed appropriation, among them including the places of appropriation and of use, amount of water, the purpose for which it is to be used use, the name and address of the applicant, and the time and place of a hearing on the application by the state engineer. Proof of publication shall be filed with the state engineer within sixty days from the date of his instructions to make publication. in case of failure within the time required to file satisfactory proof of publication in accordance with the rules and regulations applicable thereto; the application thereafter shall be treated as an original application filed on the date of receipt of proof of publication in proper form. The applicant shall pay all costs of the publication of notice."

Page 3, remove lines 1 through 16

Reumber accordingly

HB 1129 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Natural Resources (Rep. A. Olson, Chairman) to which was referred HB 1144 has had the same under consideration and recommends by a vote of 10 YEAS, 4 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 12, remove "administering," remove the second underscored comma, and remove the second "and"

Page 1, line 13, remove "programs"

Reumber accordingly

HB 1144 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation (Rep. Timm, Chairman) to which was rereferred HB 1174 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 2, line 12, replace the first underscored comma with "and" and remove "and the amount of"

Page 2, line 13, remove "coverage"

Reumber accordingly

HB 1174 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Political Subdivisions (Rep. Lindgren, Chairman) to which was referred HB 1177 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 3, after "6-09.4-21" insert "and subdivision 1 of subsection 1 of section 28-32-01"

Page 2, line 5, replace "and includes" with "but does not include"

Page 8, after line 24, insert:

"SECTION 14. AMENDMENT. Subdivision 1 of subsection 1 of section 28-32-01 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. The industrial commission with respect to the activities of the Bank of North Dakota, the North Dakota housing finance agency, the North Dakota municipal bond bank, and the North Dakota mill and elevator association."

Re-number accordingly

HB 1177 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Agriculture (Rep. Nicholas, Chairman) to which was referred HB 1181 has had the same under consideration and recommends by a vote of 14 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 3, after "farmers" insert "; and to declare an emergency"

Page 2, line 10, remove the overstrike over "~~eight percent per~~"

Page 2, line 11, remove the overstrike over "~~annum~~" and remove "the Bank's base rate, as it may be established from time to time"

Page 2, line 12, remove "time" and overstrike ", plus" and insert immediately thereafter "for the first five years of the loan. For the remaining time period of the loan, interest charged by the Bank may not exceed one percent less than the Bank's base rate, as it may be established from time to time. For loans under this section, the Bank may not charge an interest rate exceeding eleven percent at any time during the course of the loan. The Bank may charge for"

Page 2, line 15, replace "forty-five" with "one hundred"

Page 3, line 4, overstrike "estate" and insert immediately thereafter "or personal property"

Page 4, after line 21, insert:

"SECTION 7. EMERGENCY. This Act is declared to be an emergency measure."

Re-number accordingly

HB 1181 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Natural Resources (Rep. A. Olson, Chairman) to which was referred HB 1241 has had the same under consideration and

recommends by a vote of 13 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 2, replace "game" with "bighorn sheep, moose, or elk"

Page 1, line 6, replace "game" with "bighorn sheep, moose, or elk"

Page 1, line 8, replace "any wildlife" with "bighorn sheep, moose, or elk" and after "taking" insert "or for the purpose of guiding another person in the hunting or taking of"

Page 1, line 9, replace "wildlife" with "game" and after "hunting" insert "or guiding another person for the purpose of hunting bighorn sheep, moose, or elk"

Page 1, line 11, replace "wildlife" with "the game"

ReNUMBER accordingly

HB 1241 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Natural Resources (Rep. A. Olson, Chairman) to which was referred HB 1257 has had the same under consideration and recommends by a vote of 8 YEAS, 6 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

Page 1, line 8, replace ", deputy commissioner," with "and"

Page 1, line 9, remove "county auditors, and agents appointed by county auditors to"

Page 1, line 10, remove "distribute hunting and fishing licenses or stamps,"

ReNUMBER accordingly

HB 1257 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Natural Resources (Rep. A. Olson, Chairman) to which was referred HB 1260 has had the same under consideration and recommends by a vote of 12 YEAS, 1 NAY, 4 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 3, replace "natural or manmade body of water" with "watercourse"

Page 1, line 8, replace "natural or manmade body of water" with "watercourse"

Page 1, line 12, after the period insert "The requirements of this section do not apply to surface coal mining and reclamation operations for which a permit has been secured from the public service commission pursuant to chapter 38-14.1."

ReNUMBER accordingly

HB 1260 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Political Subdivisions (Rep. Lindgren, Chairman) to which was referred HB 1277 has had the same under consideration and recommends by a vote of 7 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

Page 2, line 4, after "services" insert "provided that the person has obtained worker's compensation coverage under section 65-07-01" and remove "Licensed peace officers are prohibited from performing"

Page 2, remove line 5

Reumber accordingly

HB 1277 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Political Subdivisions (Rep. Lindgren, Chairman) to which was referred HB 1317 has had the same under consideration and recommends by a vote of 11 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 20, after "city" insert "or five dollars per capita whichever is greater"

Reumber accordingly

HB 1317 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs (Rep. Haugland, Chairman) to which was referred HB 1344 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 3, remove "; and to declare an emergency"

Page 1, remove lines 16 and 17

Reumber accordingly

HB 1344 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs (Rep. Haugland, Chairman) to which was referred HB 1368 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 13, after "day" insert "and all day during the official school year when school is not in session"

Reumber accordingly

HB 1368 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs (Rep. Haugland, Chairman) to which was referred HB 1425 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 5, replace "six" with "twelve"

Re-number accordingly

HB 1425 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government (Rep. Martinson, Chairman) to which was referred HB 1529 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

HB 1529 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation (Rep. Timm, Chairman) to which was referred HCR 3025 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 2, after "River" insert "approximately midway between Bismarck, North Dakota, and Mobridge, South Dakota,"

Page 1, after line 3, insert:

"WHEREAS, the Legislative Assembly in 1929 appropriated \$130,000 for a study regarding construction of a bridge in the Fort Yates area; and

WHEREAS, the Fortieth Legislative Assembly in 1967 adopted Senate Concurrent Resolution Z urging Congress to give favorable consideration to the construction of such a bridge; and

WHEREAS, the Forty-first Legislative Assembly in 1969 adopted House Concurrent Resolution No. 45 urging Congress to give favorable consideration to United States Senate Bill 229, which would authorize the construction of the bridge; and

WHEREAS, Congress adopted Senate Bill 229, which authorized construction of the bridge as part of the 1970 Flood Control Act; and

WHEREAS, \$470,000 has been expended on site studies, bridge design, and other preparatory work as of June 1972; and

WHEREAS, no further funds have been appropriated since that time for construction of the bridge, and the bridge project is in danger of being deauthorized by law if further funds are not expended on the project; and"

Re-number accordingly

HCR 3025 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government (Rep. Martinson, Chairman) to which was referred HCR 3030 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

HCR 3030 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government (Rep. Martinson, Chairman) to which was referred HCR 3033 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

HCR 3033 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Joint Constitutional Revision (Rep. Martin, Chairman) to which was referred SB 2064 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SB 2064 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### FIRST READING OF SENATE BILLS

SB 2012: A BILL for an Act making an appropriation for defraying the expenses of the milk stabilization board of the state of North Dakota. Was read the first time and referred to the Committee on Appropriations.

SB 2108: A BILL for an Act providing an appropriation to defray expenses for claim payments to civil air patrol members. Was read the first time and referred to the Committee on Appropriations.

SB 2124: A BILL for an Act authorizing the state board of higher education to sell certain real property in Valley City, North Dakota. Was read the first time and referred to the Committee on Education.

SB 2180: A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to payment of claims against institutions of higher education; and to provide a continuing appropriation. Was read the first time and referred to the Committee on Appropriations.

SB 2191: A BILL for an Act to amend and reenact section 43-17-18 of the North Dakota Century Code, relating to qualifications of a foreign-trained applicant for a license to practice medicine. Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

SB 2226: A BILL for an Act to create and enact a new section to chapter 54-30 of the North Dakota Century Code, relating to the sale or lease of land acquired by the state treasurer as trustee for the state of North Dakota; and to declare an emergency. Was read the first time and referred to the Committee on Natural Resources.

SB 2234: A BILL for an Act to provide for the establishment of a statewide nonprofit equity corporation.  
Was read the first time and referred to the Committee on Industry, Business and Labor.

SB 2261: A BILL for an Act to provide for a geological survey and a state geologist and their duties and powers; to repeal sections 15-11-08, 15-11-09, 15-11-11, 15-11-11.1, 15-11-12, 15-11-13, 15-11-14, and 15-12-18 of the North Dakota Century Code, relating to the geological survey and the state geologist; and to provide an appropriation.  
Was read the first time and referred to the Committee on Natural Resources.

SB 2285: A BILL for an Act to amend and reenact subsection 1 of section 53-06.2-02 of the North Dakota Century Code, relating to senate confirmation of members of the North Dakota racing commission.  
Was read the first time and referred to the Committee on State and Federal Government.

SB 2331: A BILL for an Act to create and enact a new section to chapter 59-02 of the North Dakota Century Code, relating to investment of trust funds.  
Was read the first time and referred to the Committee on Industry, Business and Labor.

SB 2388: A BILL for an Act to amend and reenact subsection 6 of section 52-01-01 of the North Dakota Century Code, relating to definition of benefit year for purposes of unemployment compensation benefits; to provide an effective date; and to declare an emergency.  
Was read the first time and referred to the Committee on Industry, Business and Labor.

SB 2446: A BILL for an Act to amend and reenact section 57-02-08.1 of the North Dakota Century Code, relating to cost-of-living adjustments to income limitations applicable to property tax credits for persons sixty-five years of age or older with limited income; and to provide an effective date.  
Was read the first time and referred to the Committee on Finance and Taxation.

#### FIRST READING OF SENATE CONCURRENT RESOLUTION

SCR 4008: A concurrent resolution urging Congress to provide funds to the appropriate agency for construction of a scenic road connecting the three units of the Theodore Roosevelt National Park in the North Dakota Badlands.  
Was read the first time and referred to the Committee on Transportation.

#### HOUSE ENGROSSING REPORT

The following bills were engrossed: HB 1240, HB 1288, HB 1347, HB 1371, HB 1400.

The House stood adjourned pursuant to Representative Kloubec's motion.

ROY GILBREATH, Chief Clerk